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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-sixth year

Identical letters dated 28 January 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

The situation in the Occupied Palestinian Territory, including East Jerusalem, continues to deteriorate, with deepening unrest and instability on the ground. This deterioration is clearly linked to the illegal, destructive and provocative policies and practices of Israel, the occupying Power, and its provocations and incitement against the Palestinian people. This includes ongoing acts of violence against the Palestinian civilian population by Israeli settlers, illegally transferred to the Occupied Territory and clearly constituting part of the occupying forces. Settler terror, harassment and destruction continue unabated, on a daily basis, without fear of punishment or being brought to justice for their crimes against the Palestinian people.

Over the past few days, acts of lawlessness and terror being perpetrated by Israeli settlers have intensified and have included, among other crimes, the beating and killing of Palestinian civilians, including children; the torching of fields and orchards; the vandalizing of homes and vehicles; and harassment and humiliation of Palestinians. Such illegal actions by settlers are perpetrated in full view of the Israeli occupying forces, who, instead of imposing law and order upon these radical settlers, are actually enabling their crimes through the military and financial assistance and protection accorded to them.

In this regard, I must draw your attention to the following illegal, brutal actions committed by Israeli settlers against Palestinian civilians and their properties in the current period. Yesterday, 27 January 2011, an Israeli settler from the illegal settlement of "Bracha" shot and killed a Palestinian teenager in the village of Iraq Burin near Nablus in the Occupied West Bank. Uday Maher Qadous, aged 18, was fired upon by a settler as he worked on his family's orchard and was killed instantly by a bullet to the left side of his chest. Qadous's lifeless body was left in the field for over an hour and a half before medical crews were able to take him to a nearby hospital. Tragically, Qadous is the third civilian from the village of Iraq Burin to be killed by terrorist settlers over the past year.

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Also yesterday, settlers from the illegal settlement of "Sousia" attacked two Palestinian shepherds from the town of Yatta, south of Al-Khalil (Hebron), with iron bars, leaving one in serious condition. Israeli occupying forces looked on and did nothing to stop the settlers from attacking the Palestinian shepherds. Instead, the occupying forces arrested two Palestinians who were in the vicinity, including a photographer who was documenting the attack. Also yesterday, another Palestinian farmer was beaten severely by an Israeli settler from the illegal settlement of "Betar Eilit". In the Palestinian village of Ainabus, in the Nablus area, Israeli settlers from the illegal settlement of "Yitzhar" entered the village, breaking the fence of a home and setting a car ablaze.

Such acts of terror continued today with an attack by settlers from the illegal "Bat Ayin" settlement against Palestinian civilians from the village of Safa, north of Al-Khalil (Hebron). In this latest attack, two Palestinians were injured. Of the two injured, Yousef Fakhri Mousa Ikhiel, aged 17, remains in critical condition and on life support, after sustaining gunshot wounds to the head.

At the same time, the Israeli occupying forces have continued to commit innumerable other grave violations against the Palestinian people subjugated under this brutal military occupation. Today, 28 January 2011, near the sealed-off Sufa commercial crossing point in the besieged Gaza Strip, Adham Abu Selima, aged 13, was violently killed as an Israeli explosive went off as he grazed his sheep. Also, on 20 January 2011, Salem Mohammed Samoudi, from the town of Al-Yamoun, north of Jenin, was killed by occupying forces manning an Israeli checkpoint nearby, and three other civilians, including a child, were injured in the attack. It is imperative to note that the Israeli occupying forces denied Samoudi access to medical treatment for several hours after he was shot, further violating the victim's human rights.

Moreover, in the Occupied West Bank, non-violent peaceful demonstrations organized by Palestinian civilians and international human rights defenders in protest of Israel's continued illegal construction of the Wall and settlements continue to be met with violence from the Israeli occupying forces. On Friday, 21 January 2011, scores of peaceful protestors were injured, some seriously, in the villages of Bil'in, Ni'lin and Beit Reema, by the firing of rubber-coated bullets, sound bombs, tear-gas canisters, and even hot gas, which was sprayed onto the face of one protestor.

In addition to these acts of violence and depravity by the occupying forces and their militant, extremist settlers, the occupying Power also continues to construct and expand illegal settlements in the Occupied Palestinian Territory, including in and around East Jerusalem, in grave breach of international law and in flagrant defiance of the international calls for a full cessation of settlement activities in the Palestinian land occupied by Israel since 1967. Just last week, the Security Council, in its open debate on "The situation in the Middle East, including the Palestinian question", heard the clear calls by the entire international community reaffirming the illegality of Israel's settlement activities and the undeniable fact that they are a major obstacle to peace.

As repeatedly cautioned by the Palestinian leadership, Israel's settlement campaign constitutes an existential threat to the two-State solution for peace in accordance with relevant United Nations resolutions, the Madrid principles, including the land for peace principle, the Arab Peace Initiative and the Quartet road map. Despite this and despite the fact that over 100 Member States have signed on

to the draft resolution currently before the Security Council (S/2011/24), which rejects Israel's unlawful settlement campaign and calls for its complete cessation, the occupying Power brazenly continues this illegal campaign to the grave detriment of peace prospects and further raising tensions on the ground, especially in Occupied East Jerusalem.

Indeed, the occupying Power has only responded to the global calls for a halt to its illegal actions with further illegal actions and defiance. In this regard, on 15 January 2011, the Israeli Government once again announced plans for the expansion of illegal settlements in Occupied East Jerusalem. More than 1,400 illegal settlement units were recently approved in the settlement of "Gilo", which is built on land confiscated from the Palestinian villages of Beit Jala, Sharafat and Beit Safafa. In addition, on Sunday, 23 January 2011, Israeli bulldozers destroyed more Palestinian agricultural land, uprooting olive trees and dozens of grapevines and almond trees in the town of Al Khader, south of Bethlehem, for the purpose of expanding a Jewish-only bypass road to serve the illegal settlement of "Daniel" nearby.

It must be recalled that this blatant, relentless colonization of the Palestinian land has been perpetrated by the occupying Power in deliberate and grave breach of the relevant provisions of the Fourth Geneva Convention. Settlement construction, expansion and transfer of Israeli settlers also constitute direct and serious violations of numerous Security Council resolutions as well as of obligations undertaken by Israel under the Quartet road map. Israel, the occupying Power, must be held accountable for such ongoing and systematic breaches of its legal obligations. Adoption by the Security Council of the draft resolution before it would surely contribute in this regard, sending the proper and strong message to the Israeli Government that such illegal policies and actions will no longer be tolerated by the international community, which has directly and clearly stated its aim to end the occupation that began in 1967 and achieve a peaceful settlement, and thus rejects any and all such illegal measures intended to further entrench Israel's occupation of the Palestinian land and acquire more territory by force.

The grave situation before us requires urgent attention and serious action by the international community. The Security Council must uphold its responsibility for the maintenance of international peace and security. It must reaffirm its rejection of Israel's settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and not waver in its demand for a complete cessation. At the same time, the international community must not waver in its calls for a halt to all other illegal policies and practices, including those committed by illegal Israeli settlers, that are jeopardizing the situation on the ground and seriously sabotaging the possibility of achieving the two-State solution for peace on the basis of the pre-1967 borders. If Israel continues to ignore the mounting global calls in this regard, it should face serious and real consequences. The double standard in dealing with Israel, the occupying Power, must come to an end. It is high time for the international community to display its resolve and bring Israel into compliance, once and for all, if there is to be any promotion of a climate truly conducive to the pursuit of peace. Otherwise, there is great risk of further destabilization of this fragile situation, with vastly negative repercussions in the area as well as throughout the region.

The present letter is in follow-up to our previous 382 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem,

since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 11 January 2011 (A/ES-10/509-S/2011/9), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2011/43

Security Council

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), which established the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. The present report covers the activities of UNMIK, and developments related thereto, from 19 October 2010 to 15 January 2011.

II. Mission priorities and political situation

2. The goal of the Mission is the promotion of security, stability and respect for human rights in Kosovo through engagement with all communities in Kosovo, with the leadership in Pristina and Belgrade, and with regional and international actors. The Organization for Security and Cooperation in Europe (OSCE), the European Union Rule of Law Mission (EULEX) and the Kosovo Force (KFOR) have sustained their important roles within the framework of Security Council resolution 1244 (1999) and have continued to cooperate and coordinate with UNMIK at operational and strategic levels. The United Nations agencies, funds and programmes also continue to work closely with UNMIK.

3. On 2 November, the minority government led by the Democratic Party of Kosovo (PDK), which emerged in October following the withdrawal of the Democratic League of Kosovo (LDK) from the coalition government, lost a vote of no-confidence in the Kosovo Assembly. As a result, Acting President Krasniqi issued a decree to dissolve the Assembly and a decision to hold extraordinary elections on 12 December 2010. He announced that an earlier decision of the Assembly to hold the elections on 13 February 2011 was no longer valid.

4. The 12 December elections were the first Assembly elections organized by the Kosovo authorities since Kosovo declared independence in February 2008. My Special Representative did not call the elections, which were not organized within the framework of resolution 1244 (1999), and will not certify the results. Twenty-nine political entities competed for the 120 seats in the Assembly. Ten of these seats are reserved for the Kosovo Serb community and 10 for the "other communities", which include the Bosniak, Turkish, Gorani, Roma, Ashkali and Egyptian

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communities. Of the 29 entities registered in the elections, 7 represented Kosovo Albanians, 8 represented Kosovo Serbs, and 14 represented the other communities.

5. The official campaign period for the elections lasted from 1 December through 10 December and, although very intensive, was largely peaceful. OSCE provided non-executive advice, support and training to the Central Elections Commission (CEC) and the Election Complaints and Appeals Panel in the run-up to the elections. The United States Agency for International Development, through its implementing partner, the International Foundation for Electoral Systems, supported the Counts and Results Centre, public information and voter facilitation in northern Kosovo.

6. Following the 12 December elections, CEC announced that 47.8 per cent of 1,630,000 registered voters had cast their ballots, representing an increase of 18.3 compared to the 2007 elections. CEC estimated that, on the basis of the votes cast for Kosovo Serb parties, over 21,000 Kosovo Serbs voted south of the Ibër/Ibar River, the largest turnout by Kosovo Serbs since the 2001 elections. North of the Ibër/Ibar River, although fixed and mobile polling stations were opened, the Serb turnout was effectively nil. Voting was obstructed in some polling stations in the area, which were targeted with pyrotechnic devices or were blocked by vehicles. As the date of the elections approached, Kosovo Serb activists increased their calls in support of a boycott of the elections by the Kosovo Serb community living north of the Ibër/Ibar River. On 23 November, delegates of the Assembly of the Association of the Community of Municipalities of Kosovo and Metohija appealed to Kosovo Serbs not to take part in the elections, stressing that the elections had been called by the Kosovo authorities and that they would not recognize them because UNMIK was neither organizing them nor certifying their results. They urged the Government in Belgrade to use punitive measures towards Kosovo Serbs on its payroll who registered to participate in the elections, and referred to its policies on Kosovo as "dishonest, problematic and traitorous".

7. The 2,280 polling stations throughout Kosovo were monitored by 32,052 observers accredited by CEC. Initial positive assessments by organizations and groups that monitored the elections were soon overshadowed by an increasing number of allegations of irregularities and vote manipulation. The Election Complaints and Appeals Panel received 338 complaints, 209 of which are related to the day of the election. After investigating the complaints, the Panel recommended that CEC conduct a revote in a number of polling centres. On 16 December, CEC decided that a revote take place on 9 January 2011 in the municipalities of Skenderaj/Srbica, Gllogovc/Glogovac and Deçan/Dečani, and in one polling centre in each of the municipalities of Malishevë/Mališevo and Lipjan/Lipljan. On 17 December, CEC also decided to recount votes from 681 polling stations throughout Kosovo, out of a total number of 2,280 polling stations, owing to reported irregularities. On 6 January, the Supreme Court ordered a revote in Mitrovica (south) municipality, which was scheduled for 23 January.

8. On 10 January 2011, CEC announced the preliminary election results Kosovo-wide, excluding the municipality of Mitrovica, but including the results of the revotes that had taken place the previous day in the five municipalities. PDK led with 32.0 per cent, followed by LDK with 24.7 per cent, Vetëvendosje 12.6 per cent, Alliance for the Future of Kosovo (AAK) 11.2 per cent, and New Kosovo Alliance (AKR) 7.3 per cent. Final certified election results will be announced after the Mitrovica (south) revote is tabulated and all complaints are adjudicated.

9. On the same day, a European Parliament delegation that monitored the elections issued a strongly worded statement on the 12 December elections and the 9 January revote, noting that "some serious shortcomings underscored insufficient political will, including at the grass-roots level, to conduct a genuine election in line with international standards and good electoral practices". On 12 January, the European Network of Election Monitoring Organizations announced that "a high number of irregularities during the Kosovo Assembly elections have severely affected the trust in the democratic process in Kosovo".

10. The United Nations Development Programme launched a new biannual "Public Pulse Poll" report on Kosovo in December 2010, to analyse public perceptions of the political, social and economic situation in Kosovo and measure public satisfaction with government and public institutions, inter-ethnic relations and security levels. The report includes a democratization index score for Kosovo of 0.92 from a maximum possible score of 3.0. The report asserted that that score indicated that people in Kosovo only partially believe in the democratic processes in Kosovo and that democratic processes in Kosovo do not fulfil democratic standards. In terms of prospects for the normalization of inter-ethnic relations between Kosovo Albanians and Kosovo Serbs, the report found that about one third of all respondents believe that these relations will normalize in the distant future. Some 18 per cent believe that these relations will normalize in the near future, while the same proportion of respondents believes that these relations will never normalize. Only 3 per cent believe that inter-ethnic relations between Kosovo Albanians and Kosovo Serbs are already normal.

11. The release of the report of Special Rapporteur Dick Marty entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo", and the subsequent unanimous adoption on 16 December by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe of a resolution on the report provoked sharply divergent reactions and a wave of frustration among politicians in Kosovo and Albania. The Kosovo authorities rejected the allegations as a crime against Albanians, filled with clear fabrications, non-existent conjectures and facts not proven by international justice and backed by a network that opposes Kosovo's independence. In Serbia, by contrast, the report was welcomed as a vindication, from an independent source, of Serbia's own claims relating to illegal trafficking of human organs and of an ongoing investigation by the Serbian War Crime Prosecutor.

12. In 2003, UNMIK provided the International Tribunal for the Former Yugoslavia with information and its own findings regarding the allegations contained in the report of Special Rapporteur Marty. In late 2008 and early 2009, UNMIK transferred all pertinent files to the incoming EULEX. EULEX has publicly expressed its readiness to consider any evidence that the Special Rapporteur may have uncovered. UNMIK remains ready to provide its full support to any further eventual investigations into the allegations that may be conducted in the future.

13. Since my last report to the Security Council (S/2010/562), dated 29 October 2010, and as of the end of the present reporting period, four additional Member States have recognized Kosovo, bringing the total to 74.

III. Engagement between Pristina and Belgrade and practical arrangements

14. While contacts between my Special Representative and the Kosovo authorities remained sporadic, UNMIK staff continued to liaise with the Kosovo institutions at the working level. My Special Representative and my Representative in Belgrade continued to hold regular meetings with the Serbian leadership, focusing in particular on the potential for dialogue between Pristina and Belgrade to begin resolving long-standing issues, and, together with European Union stakeholders, urged that it begin as soon as possible.

15. The collapse of the governing coalition in Kosovo and the calling of extraordinary elections delayed the start of the European Union-facilitated dialogue, which the General Assembly called for in its resolution 64/298 of 9 September 2010. As of the date of this report, representatives of Belgrade and Pristina have not met, although the European Union representatives appointed to facilitate the dialogue have held several preparatory meetings with both sides and with those who have been contributing to the preparations, including representatives of the United Nations. The leadership in Belgrade has continued to stress its readiness to begin the dialogue immediately. Pristina has also expressed its willingness to start rapidly, but the need for partial reruns of the elections has delayed the formation of the new government in Kosovo and consequently the start of the dialogue process.

16. With UNMIK facilitation, Belgrade and Pristina have continued to cooperate on missing persons' issues through the Working Group on Missing Persons, chaired by the International Committee of the Red Cross (ICRC), and on religious and cultural heritage issues through the Reconstruction Implementation Commission for the Serbian Orthodox heritage sites in Kosovo, chaired by the Council of Europe.

17. During the reporting period, the Working Group on Missing Persons held two briefing sessions for the families of the missing, one in Pristina on 19 November 2010, for Kosovo Albanian family representatives, and one in Belgrade on 3 December 2010, for Serbian family representatives. During the meeting in Belgrade, the Serbian family representatives called on the Working Group to organize joint briefing sessions for Kosovo Albanian and Serbian family representatives in the future. UNMIK accompanied the Kosovo representatives to Belgrade and facilitated their participation. Despite progress in this area, the problem of missing persons remains a major challenge to the efforts to bring about reconciliation between the communities, and continues to disrupt the returns process. During the reporting period, the remains of 14 individuals were identified, bringing the ICRC estimate of those who are still missing as at 16 December 2010 to 1,823.

IV. Northern Kosovo

18. Regrettably, this reporting period saw continued misrepresentation of UNMIK activities in northern Kosovo by some Pristina-based media. This included depicting UNMIK as the main obstacle to Pristina's ability to exercise its authority in the north and make progress in the implementation of its "strategy for the north".

19. The Kosovo authorities and particularly the Mitrovica municipality (south) regularly challenged the authority of the UNMIK Administration Mitrovica (UAM)

by undertaking infrastructure projects without consulting with UAM and by encouraging the construction of houses by Kosovo Albanians without legal authorization. In early November the problem of illegal construction resurfaced, this time in the area of Zveçan e Vogël/Mali Zvečan, in Zveçan/Zvečan municipality, where a Kosovo Albanian continued with works for the construction of a house without the necessary permits. This action was perceived as a provocation by local Serbs and contributed to tension in the area. Tensions also arose following a decision by the Kosovo Telecommunications Regulatory Authority to dismantle throughout Kosovo all Serbian mobile transmitters operating without a licence; Kosovo mobile provider antennas located in northern Kosovo were dismantled by unknown perpetrators. There appears to be no significant change in the overall situation in mobile telephony over the past months; there are limited services by Serbian operators in central and southern Kosovo and by Pristina-licensed operators in the north.

20. In this difficult environment, UNMIK strived to provide good offices for all communities residing in northern Kosovo. UAM sponsored a series of meetings regarding the implementation of a project to construct a water pipeline from Suhodoll/Suvi Do to Kroi i Vitakut/Brdjani with the participation of all concerned parties, including Mitrovica municipality (south). UAM also provided firewood to socially vulnerable families in northern Mitrovica. Under UAM guidance, two electrical transformers were installed in Kroi i Vitakut/Brdjani that will provide electricity to the houses rebuilt by Kosovo Albanian returnees and to the houses built by Kosovo Serbs. The street connecting Three Towers and Suhodoll/Suvi Do, both ethnically mixed areas in northern Mitrovica, was cleaned and the road in Suhodoll/Suvi Do was repaired. UAM constructed two houses for two socially vulnerable Kosovo Albanian families on their property, demolishing their dilapidated houses to make way for the new homes. The rehabilitation of 21 additional houses was undertaken in several northern Mitrovica neighbourhoods, including Bosniak Mahala and Mikronaselje, to the benefit of Kosovo Albanian, Serb and Bosniak residents.

V. Security

21. The overall security situation in Kosovo remained relatively calm but potentially volatile. The number of murders, cases of unauthorized possession of weapons, and shooting incidents remained significant. Organized crime continued to be of concern throughout Kosovo, mainly involving smuggling and narcotics trafficking.

22. Crime affecting minority communities continued to include low-level harassment, intimidation, simple assaults, and property-related crime, mainly committed in the minority-populated areas south of the Ibër/Ibar River. At the Sërpskibabush/Srpski Babuš returnee site in Ferizaj/Uroševac municipality, where 73 Kosovo Serb displaced families returned in 2006, all such families have left the village and UNMIK found that more than 20 houses were broken into and extensively looted, with windows and doors removed. Half of all inter-ethnic incidents, including all serious ones, disturbances and mass protests, continued to take place along the Ibër/Ibar River, where the situation remains fragile and both the Kosovo Serbian and Kosovo Albanian communities react instantly to what they consider a provocation by the other community.

23. On 1 November, a Kosovo Albanian-owned bakery in Zveçan/Zvečan was attacked with Molotov cocktails, the seventh attack on the same premises since July 2010. The Kosovo police classified the incident as ethnically motivated and apprehended a Kosovo Serb and a Kosovo Bosniak in connection with the attacks.

24. During the months of October and November, several Kosovo Serbs in northern Kosovo, believed to be associated with Kosovo institutions based in Pristina, were targeted. On 20 October, in Zveçan/Zvečan, a vehicle belonging to the head of a civil society NGO engaged in multi-ethnic projects both north and south of the Ibër/Ibar River was set on fire. On the same day, the vehicle of a Kosovo Serb, whose property hosts an antenna of a Pristina-based mobile telephone operator, was set on fire, damaging a nearby vehicle as well. On 28 October, an explosive device targeting the same antenna was thrown at the apartment situated below the antenna, injuring the three-year old daughter of a Kosovo Serb resident. On 8 December, a Kosovo Bosniak was killed and another injured by gunfire in an ambush in Leposavić/Leposaviq municipality. The victim's home in a Kosovo Bosniak village in the municipality was to be used as a polling station for the elections; the injured person was a member of the municipal election commission.

25. Members of the international community were subject to some 25 incidents of intimidation, threats, harassment, theft and armed robbery during the reporting period. On 23 November, a EULEX vehicle assigned to the Head of the EULEX Police Executive Division was hit by a projectile while being driven in Pristina; no injury was reported. A EULEX staff member and an OSCE staff member were assaulted by six juveniles in northern Mitrovica on 5 January. There were also incidents of tire-slashing, defacing and damaging of UNMIK vehicles in Pristina. On election day, the KFOR liaison team office in the centre of Zubin Potok was shot at by unidentified perpetrators, causing some material damage but no injuries as the office was empty. Police counted 59 bullet holes and recovered 41 spent cartridges from the scene. A note saying "stop elections or the same will happen in Leposavić" was found at the site of the shooting. On 14 January, three EULEX police officers were physically assaulted by four unidentified men in northern Mitrovica as they were returning from Orthodox New Year celebrations; two of the EULEX officers suffered head injuries and were hospitalized. The reason for the assault is under investigation.

VI. Rule of law

26. UNMIK continues to monitor activities and exercise certain responsibilities in the area of rule of law and cooperates at the technical level with the Kosovo Ministries of Justice and Internal Affairs, as well as the Serbian Ministry of Justice.

27. UNMIK continues to facilitate communications between the Serbian authorities and other non-recognizing States and the Kosovo Ministry of Justice, including receiving and forwarding requests for mutual legal assistance. While the Kosovo Ministry of Justice is acting on requests received from other non-recognizing States through UNMIK, it is not acting on such requests from Serbia, and is not sending requests to Serbia through UNMIK. Serbia is not acting on requests it receives directly from the Kosovo authorities.

28. UNMIK has received an increasing number of requests for service of documents in Serbia from the Special Chamber of the Kosovo Supreme Court. As

Serbia has not processed any requests received directly from the Kosovo Ministry of Justice, the Special Chamber is using UNMIK's good offices to carry out effective mutual legal assistance.

29. A newly adopted law has established a visa regime for non-habitual residents entering Kosovo. Exemption from visas is provided through secondary legislation; this is the case for Serbian citizens, whom the Kosovo authorities allow to enter Kosovo with identification cards.

30. UNMIK also continues to facilitate Kosovo's interaction with Interpol and Member States on a daily basis. During the reporting period, following requests from EULEX and local judges, UNMIK facilitated the issuance of 10 Interpol Red Notices. Two extraditions were implemented from Albania and Montenegro to Kosovo with the support of the UNMIK Interpol Liaison Office, while 19 extradition cases are in progress.

31. The authorities in Pristina and Belgrade began issuing new vehicle plates during the reporting period, Pristina from early December and Belgrade from early January. The new Kosovo plates replace those that UNMIK began issuing shortly after the conflict and bear the initials "RKS" for "Republic of Kosovo". The Serbian plates bear the Serbian state emblem and the international abbreviation for Serbia, "SRB". The Belgrade authorities began distributing the new plates to owners of Serbian-registered vehicles in Kosovo. On 13 January, the Kosovo police began confiscating Serbian plates issued for Kosovo. Political representatives in northern Kosovo threatened retaliatory action. Both the new Kosovo plates and the new Serbian plates issued for Kosovo are being distributed without the permission of or consultation with UNMIK. Following interventions by the European Union in Belgrade and Pristina, a temporary arrangement was reached to minimize the disruption and to calm the public reaction of each side. The dispute over the vehicle licence plates has the potential to negatively impact freedom of movement, as well as the political and security situation. Pending efforts to achieve a more lasting solution, including through the EU-facilitated dialogue, the issue will remain highly sensitive and is being closely monitored.

VII. Communities and returns

32. According to the Office of the United Nations High Commissioner for Refugees, 2,187 voluntary minority returns, of which 850 were Kosovo Serbs, were recorded in 2010, an increase from 1,153 such cases in 2009, of which 439 were Kosovo Serbs.

33. UNMIK and UNHCR recorded several "go-and-see" visits and "go-and-inform" visits during the reporting period. Twelve "go-and-see" visits took place, targeting 199 displaced persons, largely from Montenegro and Serbia, while one "go-and-inform" visit was organized for the benefit of 49 displaced families at various locations in Serbia.

34. The integration of forced returnees in Kosovo has begun to take centre stage both at local and central government levels, as well as internationally. As more forced returnees arrive within the framework of bilateral agreements, mainly from Western European countries, municipalities have complained that budgetary constraints impede their capacity to support and fund the reintegration of forced

returnees. On 30 November, the Kosovo authorities acknowledged that more resource support was required and pledged to increase funds for the reintegration of forced returnees in 2011.

35. The Kosovo Serb beneficiaries of the returns projects in Zallq/Žać and Dragolevc/Dragoljevac, in Istog/Istok municipality, have signed handover agreements and moved into their newly constructed houses, after prolonged construction delays, but they continue to express security concerns. The Kosovo Ministry of Communities and Returns donated four tractors to returnees in Dragolevc/Dragoljevac and one to a group of returnees in nearby Sinajë/Sinaje.

36. In an encouraging development during the period, the five recently decentralized Kosovo Serb-majority municipalities have implemented capital projects with the 1 million euros each received from the Pristina budget, mainly investing in roads, water, sanitation and other local infrastructure projects. The process of appointing minority representatives to reserved positions in predominantly Kosovo Albanian municipalities also saw some progress during the reporting period. The selection of community representatives to key municipal posts took place after a long wait in Fushë Kosovë/Kosovo Polje municipality, with the appointment by the Municipal Assembly of a Kosovo Montenegrin as Deputy Mayor for Communities, and a Kosovo Egyptian as a Deputy Municipal Assembly Chairperson.

VIII. Cultural and religious heritage

37. UNMIK continued to facilitate the work of the Reconstruction Implementation Commission, led by the Council of Europe, on the reconstruction of 34 cultural and religious heritage sites that were damaged or destroyed during the March 2004 violence. The contractors completed works at the Church of Saint Elias in Vushtrri/Vučitrn and the Church of the Assumption of the Holy Virgin in Gjakovë/Đakovica in November 2010, and at the Church of Saint George in Prizren, the Church of Saint John the Baptist complex in Pejë/Peć and at Dević Monastery near Skenderaj/Srbica, in December 2010. With the completion of these projects, RIC has exhausted all of its current funds, although there is still reconstruction work to be completed at some sites. During this period, the European Union facilitator for the protection of religious and cultural heritage of the Serbian Orthodox Church in Kosovo continued to engage with all stakeholders, including UNMIK.

38. UNMIK also facilitated the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Kosovo. In the reporting period restoration work was completed at the Holy Savior Church in Prizren, funded by a €150,000 contribution of the Government of Germany. UNMIK and UNESCO cooperated on the preparation of project documentation for reconstruction of other sites, including the Roman Catholic Church and the Ottoman-era Turkish baths in Prizren.

39. UNMIK continued to monitor the security arrangements at the Serbian Orthodox patrimonial sites in coordination with EULEX, the Kosovo Ministry of Culture, Youth and Sports and KFOR. During the reporting period, KFOR transferred responsibility for static security of three additional Serbian Orthodox sites that it terms "properties with designated special status" to Kosovo police: Zočište Monastery in Rahovec/Orahovac on 3 November; Budisavci Monastery in Klinë/Klina on 22 November; and Gorioč Monastery in Istog/Istok on 15 December.

The North Atlantic Council has not indicated when the remaining four sites under KFOR protection, which include two that are inscribed in the UNESCO World Heritage List and the List of World Heritage in Danger (Visoki Dečani Monastery and the Peć Patriarchate), will be similarly transferred; this is strenuously opposed by the Serbian Orthodox Church and the Serbian Government. UNMIK will continue to monitor the process and liaise closely with UNESCO, which has expressed concern regarding the continued protection of these sites.

40. My Special Representative visited all the Serbian Orthodox "properties with designated special status" and explored options for their long-term security through consultations with religious leaders of all the main religious communities in Kosovo. The attendance of local Muslim and Roman Catholic clerics, as well as a Deputy Mayor of Prizren at Orthodox Christmas celebrations, held by the Orthodox Bishop of the Raška-Prizren Diocese, Bishop Teodosije, was an encouraging development. The presence of the leadership of the Catholic community in Kosovo at the enthronement of the Bishop on 26 December was a further positive sign.

41. The enthronement ceremony, which was held in the recently reconstructed Church of Saint George in Prizren, proceeded without any security incidents, although bills bearing offensive messages directed at the Serbian Orthodox Church were posted in the vicinity of the church. During the reporting period, several Serbian cultural and religious sites were subject to theft, and an Orthodox cemetery in Fushë Kosovë/Kosovo Polje was vandalized. In October, a bus carrying Kosovo Serb pilgrims to Orthodox cemeteries, with a Kosovo police escort, was stoned in Gjakovë/Đakovica municipality; no injuries were reported.

IX. Human rights

42. A report launched on 21 December by the Kosovo authorities on the implementation of the Convention of the Rights of the Child set out legal and other relevant policy frameworks for the protection of children. The report highlights key concerns, including child poverty and labour and violence in schools, as well as difficulties in registration of births, noting with regard to the latter that female children and children from the Roma, Ashkali and Egyptian communities are particularly affected.

43. The Human Rights Advisory Panel case processing output has increased threefold in 2010, with 32 cases closed as at the end of November, compared to 11 cases closed in 2009. However, the Panel still faces a significant backlog of 460 pending cases. This and other procedural and policy questions affecting the Panel were reviewed by the eighty-fifth session of the Venice Commission of the Council of Europe on 17 and 18 December. The Commission emphasized the need to secure additional resources and consider appropriate procedural options to enhance the Panel's efficiency.

44. In October, the Assembly of Kosovo was provided with a list of nominees for new Deputy Ombudspersons, following the adoption of the law on the Ombudsperson Institution in early September. Due to the elections in December, the appointment of new deputies was delayed until 2011.

45. The World Press Freedom Index for 2010, published by Reporters without Borders in October, ranked Kosovo 92nd in a list of 178. This marks a drop of 17 places from Kosovo's ranking last year.

X. External representation and regional cooperation

46. UNMIK continued its efforts to facilitate Kosovo's participation in regional and international conferences. During the reporting period, UNMIK facilitated Kosovo's participation in a series of meetings. These included the Visegrád-4 meeting in Bratislava of seven foreign ministers from the western Balkans, including Serbia, and four from east Central Europe, as well as Central European Free Trade Agreement (CEFTA) meetings held during the annual "CEFTA week", several of which were held in Belgrade. Other such meetings, held under the auspices of the European Union or other international organizations, focused on topics such as energy, aviation, police and justice, as well as sustainable development and economic matters.

47. However, the lack of enthusiasm of the Kosovo authorities for the UNMIK facilitation role has manifested itself by a refusal to attend a number of international meetings for which UNMIK facilitation was required, in particular those hosted or co-organized by the Regional Cooperation Council. It remains to be seen what positions the Kosovo authorities take on this issue once a new governing coalition is in place, a decision that will directly affect Kosovo's economic and social development.

48. Although the collapse of the government has created some uncertainty in terms of policy directions, the Kosovo authorities have shown continued interest in remaining actively included in the CEFTA. This should enable them to actively engage with UNMIK in the CEFTA chairmanship in 2011.

XI. Observations

49. The political developments in Kosovo during the reporting period, in particular the 12 December elections and their aftermath, have slowed down the momentum generated by General Assembly resolution 64/298 adopted on 9 September 2010, in which the Assembly welcomed the readiness of the European Union to facilitate a dialogue between Pristina and Belgrade. It is my hope that the period ahead will see renewed momentum in moving the dialogue process forward, and that developments in Pristina will contribute to internal political stability conducive to an early launch of the dialogue. I remain encouraged by the continued commitment of the sides to engage in this dialogue, and I urge all stakeholders to maintain their positive and constructive approach towards it. The dialogue is a valuable opportunity to address and resolve long-standing issues, which would contribute significantly to the consolidation of peace, stability and reconciliation in Kosovo and in the region. The support of the Security Council for this process will continue to be of central importance.

50. Although it is regrettable that, as of the date of this report, representatives of Pristina and Belgrade have not yet met, I am pleased that the European Union representatives appointed to facilitate the talks have held several preparatory

meetings with the sides. Meetings have also been held with stakeholders who have been contributing to the preparations, including representatives of the United Nations. It is essential that such preparations continue with the full cooperation of all sides. In this regard, I reiterate the commitment of the United Nations to continue working closely with the European Union in bringing this process forward, and I intend to keep the Security Council informed accordingly.

51. The Assembly elections, organized by the Kosovo authorities without UNMIK involvement, were held in a peaceful atmosphere and did not escalate tensions among the population. I note, however, that the organizations that monitored these elections have expressed concerns regarding the level of adherence to democratic standards during the electoral process. I also note the considerable increase in the participation of the Kosovo Serb community south of the Ibër/Ibar River, compared to earlier elections, as opposed to the Kosovo Serb boycott of the electoral exercise in northern Kosovo.

52. The situation in northern Kosovo has remained volatile, with simmering inter-ethnic tensions and a wave of attacks against members of the international community and against Kosovo Serbs associated with the Kosovo authorities. I expect that the dialogue between Pristina and Belgrade will provide the appropriate forum for the resolution of issues that could lead to tensions and instability in northern Kosovo, and will, therefore, greatly enhance peace and security in the area. The continued misrepresentation of UNMIK activities in northern Kosovo by some Pristina-based media, which risks placing United Nations staff in danger, remains another cause for concern. I urge all parties to acknowledge UNMIK efforts to provide UNMIK good offices to all communities in northern Kosovo and to cooperate with such efforts.

53. The development of stronger inter-community relations and inter-faith contacts can significantly benefit the long-term safety and sustainability of the remaining Serbian Orthodox sites in Kosovo. In this context, the continuing efforts of UNMIK to encourage greater inter-faith contact and dialogue are of particular importance, as they serve to foster reconciliation among the communities. I appeal to the local religious leaders of different faiths to demonstrate openness towards each other and participate in inter-faith events, and to the international community to support those leaders who can play a positive role in bridging the existing divide between the communities.

54. The Reconstruction Implementation Commission, led by the Council of Europe, has proved to be an invaluable mechanism for the reconstruction of Serbian Orthodox sites in Kosovo and the only platform for technical interaction on cultural heritage between the Serbian Orthodox Church, the Government of Serbia and the Kosovo authorities. As the Commission has exhausted all of its current funds and there remains reconstruction work requiring completion at some sites, I call on international donors to provide the necessary financial support to ensure the continuation of its work.

55. I would like to conclude by expressing my gratitude to my Special Representative for his excellent leadership of the Mission and his efforts to advance cooperation between all sides and help maintain security and stability in Kosovo and in the region. I would also like to commend the staff of UNMIK for their continued dedicated work and commitment to the goals of the United Nations.

56. Finally, I would like to extend my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, NATO and OSCE — as well as to the United Nations agencies, funds and programmes, for their ongoing support and cooperation with UNMIK.

Annex I

Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

1. Executive summary

The European Union Rule of Law Mission (EULEX) continued to undertake monitoring, mentoring and advising activities in the area of rule of law and to implement its executive functions according to its mandate. The Mission continued to convey to the public that monitoring, mentoring and advising activities constitute the main work of the Mission, including publishing a summary tracking mechanism for its monitoring, mentoring and advising projects (known as Actions). EULEX continued to operate during a period marked by political uncertainty and a general election campaign. EULEX, under its new leadership, is making concerted efforts to increase its presence in the north in 2011. It worked to mitigate the security and public order implications following the issuance of conflicting vehicle licence plates. As well as liaising closely with the Kosovo Police, EULEX formed police units were deployed to Mitrovica as a precautionary measure.

2. Activities of the European Union Rule of Law Mission in Kosovo for the period from October 2010 to January 2011

General

EULEX is currently comprised of 2,844 staff (1,677 international staff and 1,167 local staff).

Monitoring, mentoring and advising remains the defining feature and constitutes the bulk of the work of EULEX, although the executive functions of the Mission attract most attention. The first in a series of monitoring, mentoring and advising Action tracking summaries has now been published on the EULEX website. This tracking mechanism indicates progress or lack of progress and provides short commentary for each monitoring, mentoring and advising Action. In October, it was presented to some 35 NGO representatives, who participated in round-table discussions on police, justice and customs monitoring, mentoring and advising.

The new EULEX Head of Mission continued to travel throughout Kosovo, familiarizing himself with the rule of law institutions and leaders, the Kosovo culture and community, and EULEX colleagues and, at the same time, imparted his plans and priorities for the Mission. During this outreach activity, the Head of Mission travelled to the north of Kosovo and met with local leaders of the Kosovo Serb community to convey his intentions on rule-of-law issues for the north.

EULEX has dedicated a number of investigators to priority cases. A joint investigation with Kosovo Customs resulted in five arrests in a case on fuel smuggling. A recent indictment in a sensitive organized crime case, which led to the arrest of seven suspects, is an example of the EULEX executive mandate in operation.

War crimes

In October, the War Crimes Investigation Unit (WCIU) recommended that the Kosovo Special Prosecution Office open a new investigation into a case that took place at the Dubravë/Dubrava Prison, in which some 150 people were killed and more than 250 injured by Serb forces in 1999. An investigation into these events was opened in Serbia in the summer of 2010.

In November, a EULEX judge of the Mitrovicë/Mitrovica District Court confirmed the indictment against two Kosovo Albanians, currently under detention on remand, charged with war crimes committed in 1999 in Kosovo Liberation Army facilities in Kukes and Cahan, Albania, where Kosovo Albanian civilians were detained in inhumane conditions and subjected to torture and beatings. This investigation was performed by WCIU.

In December, EULEX Police, supported by Kosovo Police Operational Support Unit, arrested two Kosovo Albanians in Prizren on war crimes charges (intimidation and terror, dislocation and displacement of the civilian population) allegedly committed from 17 to 19 July 1998 in Rahovec/Orahovac and nearby villages. The investigation is under the supervision of a EULEX prosecutor from the Kosovo Special Prosecution Office.

Police

The new Director General of the Kosovo Police clearly stated his intention to have the Kosovo Police complete all monitoring, mentoring and advising Actions as a matter of priority. He also accepted the EULEX recommendation to adopt the Case Management Information System used in courts and by public prosecution offices. Compliance checks with new procedures on recording victim ethnicity in crime incident reports in Pristina region found that the new policy is adhered to overall; only a few exceptions were noted. Briefings on intelligence-led policing throughout the Kosovo Police structure were completed. Standard operating procedures on the handling and use of intelligence were drafted and submitted to the Kosovo Police chain of command. The appointment of civilian experts to key positions in the Kosovo Police Administration is welcome news for the improvement of Kosovo Police management performance.

Upon advice from EULEX, cell searches with the support of Kosovo Police sniffer dogs were carried out at Dubravë/Dubrava Prison. Even though only small amounts of substances were found, the dogs act as an important deterrent, making staff and prisoners more reluctant to bring in and/or use drugs.

As a result of a high number of unfulfilled contracts, poor performance of service providers and lack of assessment mechanisms, the Kosovo Police Administration, based upon EULEX advice, established a Contract Management Unit. This body will act as a watchdog over the Kosovo Police procurement process and will issue service provider performance reports by Kosovo Police end-users every four months.

Justice

Several hundreds of investigations, hearings, trials and adjudications with EULEX involvement are ongoing throughout Kosovo at different levels.

In November, a mixed panel of one local and two EULEX judges at the Pristina District Court found a former President of the Assembly of Kosovo and his advisers guilty of misappropriation in office, assisting in the abuse of an official position and inciting of falsification of official documents. They all received suspended prison sentences. EULEX judges and prosecutors worked on a number of cases involving members of the Kosovo judiciary and municipal officials concerning, inter alia, the forgery of court documents and abuse of official position or authority.

In the summer of 2010, the Kosovo Police arrested the Governor of the Central Bank in connection with a number of corruption-related offences. EULEX authorized and monitored searches at the Central Bank to provide oversight and ensure the effective gathering of evidence. The defendant was placed in detention. In October, the Kosovo Assembly voted to dismiss him from his post and on 18 November a EULEX pre-trial judge decided to set bail for the Governor. The investigation continues.

In October, the Kosovo Special Prosecution Office filed an indictment against five defendants for trafficking in human organs, organized crime, unlawful exercise of medical activities and abusing official authority (the so-called Medicus case). The defendants include medical doctors and a former senior level individual in the Ministry of Health. The case relates to activities performed in a private clinic in Pristina in 2008, and it was initiated by the Kosovo Police and UNMIK Police in November 2008. EULEX Police continued the investigations under the supervision of the Kosovo Special Prosecution Office. EULEX judges are assigned to the case. In December, at Pristina District Court, a EULEX judge held a confirmation hearing on the indictment of seven defendants in the Medicus case. A panel of the Supreme Court of Kosovo, composed of two EULEX judges and three Kosovo judges, confirmed previous decisions by the Pristina District Court and the Supreme Court itself in the so-called Podujevë/Podujevo case, wherein an individual was convicted for the criminal offences of aggravated murder, attempted aggravated murder and unlawful possession of weapons, and was consequently sentenced to 30 years of imprisonment. In 2004, the defendant, together with other perpetrators, attacked an UNMIK Police vehicle, killing an international and a local police officer and attempted to kill another local police officer and a local UNMIK language assistant.

At the Pejë/Pec District Court, a mixed panel convicted a man of murder and sentenced him to 25 years of imprisonment, thus completing a retrial ordered by the Supreme Court in April 2010.

EULEX judges held several confirmation of indictment hearings, including a case against seven defendants charged with organized crime and smuggling of migrants related to the capsizing of a boat and drowning of two dozen migrants from Kosovo on the Tisa/Tisza River, which marks the Serbia/Hungary border in December 2009.

The EULEX Prosecutor's office in Mitrovicë/Mitrovica issued an arrest warrant for the arrest of two men suspected of extortion, causing general danger and unauthorized possession of weapons. On 4 November, the regional Kosovo Police Investigation Unit and EULEX arrested the two men, one Kosovo Bosniak and one Kosovo Serb; both suspects were put in detention for 30 days while the investigation continues.

EULEX civil judges helped in resolving a legal conflict between the Kosovo Supreme Court and the Constitutional Court in their rulings on the Kosovo Energy Corporation and its former employees. EULEX judges advised the Supreme Court to accept the supremacy of rulings issued by the Constitutional Court.

Customs

The EULEX customs component continued to maintain its role as the key producer of quality advice in relation to customs rule of law issues related to Kosovo Customs (KC). Within this context, the EULEX Head of Customs continued weekly meetings with the Kosovo Customs Director General, where several key issues such as integrated border management and the Automated System for Customs Data AsycudaWorld (new trade information management system of the Kosovo Customs), developed by the United Nations Conference on Trade and Development, were discussed. Intensified joint security controls conducted by the EULEX Border/Boundary Police, the Kosovo Police and EULEX Customs at Gates 1 and 31 in the north, are being maintained around the clock. EULEX continued logging, scanning and stamping commercial documents at Gates 1 and 31.

Approved by Xavier **Bout de Marnhac**
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2011)

Country	*Number*
Germany	1
Ghana	1
Italy	1
Turkey	1
Romania	1
Russian Federation	1
Pakistan	1
Ukraine	1
Total	**8**

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2011)

Country	*Number*
Denmark	1
Poland	1
Norway	1
Spain	2
Ukraine	2
Romania	1
Czech Republic	1
Total	**9**

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Letter dated 25 January 2011 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

I have the honour to write to you in reference to document S/2011/10 dated 11 January 2011 concerning matters of which the Security Council is seized and the stage reached in their consideration. In this connection, on instruction from my Government, I have the honour to inform you that the Syrian Arab Republic requests the retention of the following items listed in paragraph 3 of the above-mentioned document:

59. The Palestine question.

68. Arrangements for the proposed Peace Conference on the Middle East.

69. The Middle East problem, including the Palestinian question.

70. The situation in the occupied Arab territories.

71. The question of the exercise by the Palestinian people of its inalienable rights.

74. Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17787).

75. Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17993).

83. Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939).

I take this opportunity to reaffirm the position of the Syrian Arab Republic set out in its note dated 9 February 1998 (S/1998/111) addressed to the President of the Security Council.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

11-22237 (E) 030211

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